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2 I truly believed Ms. Levine when she
3 looks out the window and says business is hard,
4 business is hard, and they want smaller models.
5 They want younger models.

6 I said, well, what I can I do? What
7 can I do? She said, well, why don't you go out
8 and try, you know, market yourself out there.
9 She said to me right there. Try and market
10 yourself.

11 Well, how do I do that? I don't
12 know how to do that.

13 Q. Did you ever try to market yourself?

14 A. No, I didn't even know how to put
15 together a LinkedIn page. It was Terri Murray
16 who put my LinkedIn page together.

17 Q. Was there any advantage to working
18 with an agency versus without an agency?

19 MR. DUGGER: Objection, vague.

20 A. Oh, my God, tremendous. The agency
21 is your employer. It's not an easy job what
22 they do. They have to go out there and get the
23 clients. They have to manage your schedule.
24 They have to make sure they hire the right
25 models. If they hire the wrong models, their

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2 Q. Was Liz the main person at MSA you
3 worked with?

4 A. Yes, sir. She was my angel at one
5 time. I still believe that in her heart she
6 has it.

7 Q. Did you ever receive any performance
8 evaluations from MSA?

9 MR. DUGGER: Objection, vague.

10 A. No. The only time I remember was
11 that Liz said that QVC was impressed with both
12 me and Francine.

13 Q. Were you ever disciplined by MSA?

14 MR. DUGGER: Objection, vague, calls
15 for a legal conclusion.

16 A. Yes, I was more than once.

17 Q. When was the first time?

18 A. I was late for a Go-See. I've never
19 been late for a Go-See. I had a really hard
20 time finding the address. It was right in
21 Times Square, and I couldn't find the entrance.
22 And I remember my heart was -- I thought my
23 heart was going to jump out on the pavement.

24 I'm representing the agency and
25 being late -- you know, I mean, I work for the

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and over again.

Q. Do you have any of those e-mails?

MR. DUGGER: Objection, vague.

A. I think we forwarded them to you.

Q. Do you know if your attorney has produced them for us?

A. Yes, I do know that.

MR. DUGGER: We have given you any e-mails that you just described, we've identified.

A. I was disciplined, asked not to speak with the other model at QVC. I was disciplined to not speak with Athena about me taking vacation.

Liz said specifically do not speak with Athena about the vacation, and when I -- that is a discipline. And when I handed the voucher over to Athena to have it signed, I looked at her, and I knew I wasn't allowed to say anything because Liz said do not say anything, I don't want you to say anything, and I didn't want to be disciplined again, so I didn't say anything but -- and I said to Athena, you know, I'm not coming back, and she

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2 said -- she got furious and she said, "What?"

3 I thought that Liz had told you
4 this. Liz asked me not to say anything, and I
5 didn't. And she was very disappointed, but I
6 know that if I discuss anything with my client,
7 then, you know, I could be fired for that.

8 Q. In addition to the two or three
9 instances that you've just told us about that
10 you call discipline, are there any other
11 instances when you were working with MSA from
12 March of 2013 to June of 2014 where you were
13 disciplined, in your terms?

14 A. Yes, but I don't know if you want to
15 call it disciplined. It was just -- they
16 measure you. They ask you to come in to be
17 measured. Make sure that, you know, you're not
18 losing weight or gaining weight. That's not
19 really discipline to me. It's just they keep
20 an eye on you. They make sure that you look
21 the part. You act the part.

22 Q. Did you ever receive a written
23 performance evaluation from MSA?

24 MR. DUGGER: Objection, vague.

25 A. No, it would be pretty hard.

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2 Q. Did you ever receive an oral
3 performance evaluation from MSA?

4 MR. DUGGER: Objection, vague.

5 A. No. More than -- no.

6 Q. Do you have an MSA e-mail address?

7 A. No.

8 Q. Did you have one when you were
9 working with MSA?

10 A. I never asked.

11 Q. What e-mail address did you use to
12 communicate with MSA and its clients?

13 A. Three different ones.

14 Q. Your own personal --

15 A. Not with the clients. Oh, with QVC?
16 The e-mail was Eva Sweden, and Eva@Gmail that I
17 communicated to MSA with and that was -- that
18 was the way.

19 At QVC -- no, I didn't have an
20 e-mail at QVC. No, Terri had an e-mail at QVC.
21 I didn't.

22 Q. Did you have a Caché e-mail address?

23 A. Yes.

24 Q. What was that?

25 A. I think it might have been my first

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2 and my last name at Caché.

3 Q. Caché dot com?

4 A. Yes, but that was only used when I
5 set up -- when I set up the fittings for the
6 whole office.

7 Q. Was that one of the functions you
8 had at Caché?

9 A. I scheduled -- yes, I did schedule
10 the fittings with everybody, which took almost
11 a day and a half to do.

12 Q. When you were working with MSA, did
13 you have a cell phone?

14 A. Yes.

15 Q. Who paid for it?

16 A. I paid for it.

17 Q. You had just one cell phone?

18 A. Just one cell phone, yes.

19 Q. During the time you worked at MSA
20 from March of 2013 to June of 2014, about how
21 many times a week did you actually go to MSA's
22 offices?

23 A. I would say at least once a week,
24 but there were times that I was snowed in.
25 There were a couple of weeks I was snowed in in

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2 A. Yes, sir.

3 Q. Is it your signature on the next to
4 the last page, Bates stamped 28?

5 A. (Perusing.) Yes, sir, that's my
6 signature.

7 Q. Are those your initials on every one
8 of the pages on the bottom right?

9 A. Yes, sir.

10 Q. That's Bates stamps 22 through 29;
11 is that right?

12 A. Yes, sir.

13 Q. When you travel to a fit modeling
14 job, do you pay for your own travel expenses?

15 A. Yes.

16 Q. And your own overnight if it
17 requires an overnight?

18 A. In this particular incident with
19 MSA's client, QVC, yes, that was the condition
20 that was the -- that was how they wanted it.

21 Q. It was QVC's condition?

22 A. Yes, QVC only pays a rate and so --

23 Q. Everything is all inclusive then?

24 A. Correct. I worked with other
25 clients where that's not the case, where the

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2 A. I would -- usually on Tuesdays, I
3 would go in and I would work for Carole
4 Hochman. Then I would -- sometimes if I had
5 the time, run into the agency and -- but it
6 wasn't always time allowed me for that because
7 I had to get home and prepare myself, drive
8 down to Westchester and to be at QVC on
9 Wednesday morning.

10 There were times when I was down in
11 Westchester that I actually was traveling up to
12 go to work for Carole Hochman in the afternoon,
13 I think it only happened once, and then travel
14 back down to work the next day.

15 So just because I was down in
16 Westchester didn't -- it wasn't that I couldn't
17 work up here. It was a challenge, but I did
18 it.

19 And then Friday, when we were
20 finished with fittings, it was awful traffic to
21 try and get back. So a lot of times I didn't
22 even attempt to get on the road. So I would
23 leave the next morning, Saturday.

24 Saturday I would usually spend
25 trying to -- if there were people that wanted

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2 geographic area during the time you were
3 working with MSA?

4 A. Yes, but not the second time, the
5 first time.

6 Q. Okay. I'm only asking about the
7 second time.

8 A. No.

9 Q. During the time you worked with MSA
10 the second time around, did you ever decline to
11 work with a particular designer?

12 A. Never.

13 Q. Did you go for a Go-See with QVC
14 before you began working with them?

15 A. Yes, sir.

16 Q. Just one?

17 A. No, sir, twice.

18 Q. Did QVC pay for the second?

19 A. I have to -- I don't recall. The
20 first time was a Go-See, which I didn't pay
21 for, and the second time was not a Go-See.
22 They actually wanted -- they wanted us to
23 test -- they hired us for that time. It was
24 work. It wasn't a Go-See.

25 Q. So it was just one Go-See?

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2 A. It was one Go-See.

3 Q. And you were paid for the Go-See?

4 A. No, we were not paid for the first
5 Go-See.

6 Q. You were paid for the second, which
7 you initially called a Go-See, but now you've
8 clarified that it wasn't a Go-See?

9 A. Correct, correct, because in 20
10 years, no one ever pays for Go-Sees.

11 Q. No one, anyone in the industry?

12 A. No one in the industry pays for
13 Go-Sees.

14 Q. Could you explain your compensation
15 structure that you had with MSA the second time
16 around?

17 MR. DUGGER: Objection, vague.

18 Q. Well, how were you paid? On what
19 basis were you paid?

20 A. I was paid after I turn in a
21 voucher. I am paid after the client pays them.
22 There is commission taken out because they are
23 the one who finds the client. They are the one
24 who bills the client. They do a lot of work,
25 and so they take a commission out of your --

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2 the job that the voucher that you bring back to
3 the agency.

4 Q. So is it fair to say that the client
5 pays, but then MSA deducts from what the client
6 pays for its commission?

7 A. First of all, I don't think the
8 client would pay if MSA doesn't bill them. So
9 MSA bills them for the hours that they send the
10 model to do a fitting, and then MSA takes an
11 agency fee from the client that they have
12 negotiated, and then they take the fee, the
13 other 20 percent out and then you get your
14 paycheck.

15 Q. So just to clarify something, MSA
16 gets paid by the client?

17 A. MSA bills the client.

18 Q. Bills the client for something?

19 A. MSA bills the client for the work.

20 Q. For the work you did?

21 A. For the work I did.

22 Q. And that, for example, with QVC
23 would be the \$105 an hour rate?

24 A. Yes.

25 Q. Or for the other company you

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2 A. MSA explained to me that we have a
3 voucher system, and you get paid when you bring
4 in a voucher. If you don't bring in the
5 voucher, you don't get paid.

6 So I bring in a voucher. They
7 bill -- I think they have already billed the
8 clients. I bring in the voucher to show that I
9 was physically there.

10 Q. The voucher says on such and such
11 date I was at QVC, from such and such time to
12 such and such time or does it say the number of
13 hours or number of minutes?

14 A. It says -- you fill in, I was there
15 from 3:30 to 4:30, right, but MSA usually
16 already knows about that because they are the
17 one who sets up you are going there from 3:30
18 to 4:30. So they already know that.

19 Q. Well, they don't know whether you
20 were actually there or not?

21 A. No, they don't know if I showed up
22 or not, that's correct.

23 Q. They wait to receive the voucher
24 from you. You have given one copy to the
25 client, bring back one to give to MSA?

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2 out. This was -- it doesn't show.

3 Q. Then how do you know whether you
4 have been paid the right amount or not?

5 A. In the beginning, I had a really
6 hard time understanding how they were taking
7 out the fee out of the rate that QVC was paying
8 them. Since I was told that they were being
9 nice to me and they were only going to take
10 15 percent instead of the 20 percent of
11 commission, and I had a hard time understanding
12 how they -- and so that's why I had numerous
13 conversations with Liz trying to understand how
14 they can be taking the agency fee that they
15 call it, which is a service fee, because they
16 service their client by sending them employees
17 and that service fee should not be taken out of
18 the -- my rate that I'm earning.

19 But, in this case, they said no,
20 that is the way we negotiated. If you don't
21 like it that way, then you don't have to work
22 there.

23 Q. You described before, I believe,
24 that there were two kinds of fees involved
25 here.

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One was MSA's fee that it collected from the customer, the client?

A. Yes.

Q. And then there was MSA's commission
it took out of your compensation?

A. Yes.

Q. When you got your compensation, weren't there reference numbers on that stub, your paystub or whatever it was called, that referenced the vouchers you were being compensated for?

A. I don't think so, sir.

Q. Are you sure about that?

A. Do we have any paychecks here?

Q. When you got your paycheck, was there some sort of stub attached to it or was there a piece of paper in the envelope with it?

A. Yes, there is a piece of envelope attached to it --

Q. You mean piece of paper.

A. -- that shows the date that you worked and the time that they, I think, billed the client, and then it has, you know, how much they make, but it doesn't breakdown the

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2 A. I had it on my vouchers, and I would
3 hold onto the vouchers, and I knew the hours.

4 Q. So the vouchers reflect all the
5 hours that you performed services in connection
6 with MSA?

7 A. Yes.

8 Q. In 2013, did you take any business
9 deductions on your tax returns? Did you take
10 any business deductions?

11 A. Yes.

12 Q. What categories of deductions?

13 A. It was my accountant who did it. I
14 personally did not take any deductions. My
15 accountant does that.

16 Q. You signed your tax returns, didn't
17 you?

18 A. Yes.

19 Q. And you know at the bottom above
20 your signature it says, "I sign under penalties
21 of perjury"?

22 A. Yes.

23 MR. DUGGER: You are representing
24 that it says that?

25 MR. SPELFOGEL: I'm asking her. She

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2 just answered yes.

3 MR. DUGGER: I don't understand what
4 she answered yes to, your opinion that it
5 says that or the fact that the document --
6 there is no document in front of her.

7 Q. Did you discuss with your accountant
8 what categories of deductions that you would
9 take on your tax returns for 2013 and 2014?

10 MR. DUGGER: Objection, vague.

11 A. My accountant has been doing my
12 taxes for over ten years, and he is very
13 familiar with the deductions, and it's usually
14 a car and transportation and phone.

15 Q. Business expenses?

16 MR. DUGGER: Objection, vague.

17 Q. Your folio? Your pictures?

18 A. No, no, we don't take deductions for
19 that.

20 Q. You're sure about that?

21 A. Yes, I'm sure about that.

22 Q. I thought you delegate everything to
23 your accountant?

24 A. Yes, but those are not -- those are
25 not expenses you can't write -- and portfolio,

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2 2014?

3 A. I don't know, sir.

4 MR. DUGGER: I just note, again,
5 that we produced her 1099 forms and W-2s.

6 MR. SPELFOGEL: From all sources,
7 not just from MSA.

8 MR. DUGGER: The ones she has in her
9 possession we produced to you. There's a
10 W-2 from Caché. There are 1099 from --
11 that's what I can recall offhand, but
12 there is about four or five documents,
13 Jaime e-mailed me about this yesterday,
14 asking more me to identify the Bates
15 numbers because she couldn't find them.

16 I e-mailed her last night at 9:30
17 identifying them. So you definitely --
18 you definitely have them.

19 BY MR. SPELFOGEL:

20 Q. Do you go to a gym to exercise on a
21 daily basis?

22 A. No, sir.

23 Q. How often a week?

24 A. Maybe once or twice, but it's not a
25 gym. It's in my building. It's a gym.

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2 Q. An exercise room?

3 A. Exercise room in the building that I
4 live in.

5 Q. That's convenient. And how much
6 time do you spend in the exercise room in your
7 building each time you go?

8 A. About 45 minutes.

9 Q. How often do you go to a hair salon?

10 A. You don't like my haircut?

11 Q. Actually, it looks very nice. I'm
12 just thinking maybe I should go to the same
13 one. Mr. Dugger and I could go to the same
14 one.

15 A. I cut my bangs.

16 MR. DUGGER: I want to be cautious
17 counsel in being very cautious in
18 questioning Ms. Agerbrink about her hair.

19 A. I cut my bangs myself the past two
20 times. I have a girlfriend who cuts my hair a
21 little bit when she blow dries my hair.

22 Q. Let's go back to 2013.

23 From March of 2013 to June 2014,
24 approximately how frequently did you go to a
25 hair salon?

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2 A. No.

3 Q. What steps did you take, if any, to
4 get your work with QVC back?

5 A. The first time that MSA fired me?

6 Q. The first time that you stopped
7 working with QVC.

8 A. Well, I never stopped -- I was fired
9 from QVC because of -- because of the
10 communication because Liz couldn't reach me
11 during those hours during the day. I was
12 fired.

13 Q. My question had to do with what
14 steps did you take to get the work with QVC
15 back?

16 A. I waited for the phone to ring, and
17 Ms. Levine -- actually, Lynette called me up
18 and said Susan wants you to come into the
19 agency, and I came in and I -- she said -- I
20 said, you know, what are we doing here. She
21 was arguing with Liz Pinto about what had
22 happened and, again, I said earlier, I said you
23 guys really fucked up here.

24 And I said what can we do? And so
25 Susan said, you know, why don't you sit down

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2 She saved the client from going somewhere else.

3 Q. During any of these conversations,
4 do you recall what, if anything, you said?

5 A. No, it's -- no, I don't think I had
6 anything to do with getting their client back.

7 Q. Did you reach out separately to
8 anybody at QVC with respect to getting that job
9 back?

10 A. Yes, sir. The minute -- the minute
11 after I was told that I was fired and that
12 my -- my services was no longer needed by Liz,
13 I got very upset, and I picked up the phone,
14 and I called Athena myself. And I said I can't
15 believe that MSA just fired me, and she said,
16 well, it's between, you know, you and the
17 agency. You need to work it out with them.

18 And I explained -- I just wanted to
19 know that I couldn't believe that an agency can
20 just fire you like that, but, you know, that
21 was my penalty for not being in touch with
22 them, you know, not -- not being in touch with
23 them all day long while I was moving. Moving
24 is one of the most stressful things and I -- I
25 was not -- I was out of reach for a couple of

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2 close down for Chinese New Year, and it's the
3 time when some people take time off, and I
4 think what Liz was, you know, simply asking me
5 if I had -- if I was having Christmas dinner
6 somewhere.

7 Q. She is asking you what your
8 Christmas schedule is so they now how to book
9 you.

10 Isn't that what they're asking?
11 Isn't that what it says? "Can you advise your
12 Christmas schedule so we know how to book you?"

13 A. Right. It says so.

14 Q. And if you go up a little bit higher
15 on the page, Tuesday, November 26, at
16 9:43 a.m., you sent an e-mail to Liz about the
17 16-hour rule not being applicable.

18 A. Uh-huh.

19 Q. And you say, "This is unacceptable."

20 A. Uh-huh.

21 Q. Continue up a little further higher.
22 Liz responded saying, "Hi, Eva. Since you are
23 speaking with the client directly," what is she
24 referring to there?

25 MR. DUGGER: Objection, compound,

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2 vague.

3 A. Liz -- Athena told us that --

4 Q. Who is us?

5 A. The other fit model, Terri Murray.

6 Q. And you?

7 A. And me that the 16 hour that they
8 had negotiated minimum hours with Model
9 Services, that didn't count on holidays.

10 Q. How did that conversation come
11 about?

12 MR. DUGGER: Objection, vague.

13 Q. Were you speaking to someone from
14 QVC?

15 A. No, I had as usual -- I think at
16 that time I was staying in a hotel, and I also
17 think that I had rented a car because of all
18 the snow, the conditions on the road, and in
19 order to start working at the time that we
20 normally would start the fittings, which was
21 8:30, it was pretty much impossible to drive
22 down in the morning. So I would need to drive
23 down the night before and spend money in a
24 hotel to stay over and the next -- and there
25 was no -- there was no set time when we would

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2 start the fittings the next day because of the
3 snow conditions.

4 And I didn't know when I would start
5 working, and when we started working -- finally
6 started fitting, we may just be fitting for two
7 hours and then they would not fit the next day.

8 So I was -- it was, one, I wasn't
9 being paid. I wasn't getting my paycheck from
10 MSA, and, two, I wasn't -- I would come down
11 there and there was -- there would be only a
12 few hours of work to do.

13 And so I was upset about the fact
14 that when Liz had so successfully negotiated
15 this 16-hour rate, that it wasn't applicable on
16 a holiday weekend. That's what it means.
17 Holiday week.

18 Q. Was the person you spoke to at QVC
19 about your hours there Athena?

20 MR. DUGGER: Objection, assumes
21 facts not in evidence.

22 A. I didn't speak to Athena about my
23 hours. Athena informed us that this is a
24 holiday week, and the 16-hour negotiations that
25 they had done with Liz was not applicable on a

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2 holiday week.

3 I did not speak to Athena anymore.
4 I sent an e-mail to Liz saying that this is
5 unacceptable. They keep changing the rules all
6 the time.

7 Q. So you had a conversation with
8 Athena?

9 A. Sir, I did not have a conversation
10 with Athena. I had a conversation through
11 e-mail to my -- to Liz, who is supposed to
12 manage my schedule. I was upset.

13 Q. Didn't Athena tell you around that
14 time two things, specifically that the 16-hour
15 guarantee did not apply to a holiday week?

16 A. Yes, she said to both me and Terri.

17 Q. And didn't she also tell you around
18 that time that since Thanksgiving was in that
19 week that the 16 hours didn't apply?

20 A. Yes.

21 Q. And you don't call that a
22 conversation?

23 A. No, because --

24 Q. What do you call it?

25 A. Conversation is what you and I are

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2 having right now. You're asking me question.

3 I'm talking back to you.

4 That wasn't a conversation. She

5 told us this is it, and you don't question it.

6 You don't question the client because it's not

7 your client. It's Model Services' client.

8 They tell us something. We have a problem with

9 it, we take it to our employer.

10 I complained to my employer, and she

11 does the best to negotiate. She tries to do

12 the best she can for me.

13 Q. And didn't Liz Pinto tell you to

14 keep MSA in the loop on your conversations with

15 Athena?

16 A. I think that was a sweet way of

17 responding, but --

18 Q. Is that a yes or a no?

19 A. Well, it's not correct.

20 MR. DUGGER: What's the question?

21 A. It's not correct. I did not have

22 conversations with Athena.

23 Q. Liz Pinto specifically told you,

24 didn't she, in the November 26 e-mail, "You

25 need to keep MSA in the loop on your

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2 conversations with Athena, so we are clear from
3 this end on any special arrangements, et
4 cetera"?

5 It goes on to say, "We didn't know
6 you were available on Tuesday and had to check
7 with you, even though client already knew your
8 status."

9 MR. DUGGER: Is there a question
10 pending?

11 MR. SPELFOGEL: I asked the
12 question. You want to read back the
13 beginning of that statement, please?

14 (Record read.)

15 MR. DUGGER: You're asking if the
16 document says that?

17 MR. SPELFOGEL: I don't know how
18 many times we'll have to read it back to
19 you, Counselor, but I specifically asked
20 "didn't she." She said this to you,
21 didn't she? And the answer is, what, yes
22 or no?

23 MR. DUGGER: It's in an e-mail in
24 front of her. You're asking her to
25 confirm --

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2 MR. SPELFOGEL: I'm asking
3 whether -- I'm asking whether what is in
4 Liz Pinto's e-mail is an accurate
5 statement of the facts.

6 A. It's a comment, yes, but she is not
7 asking me to keep them in the loop, since I am
8 not the one making the schedule.

9 Q. You need to keep MSA in the loop on
10 your conversations with Athena. That's what
11 that e-mail says, doesn't it?

12 A. Sir, I am not allowed to discuss my
13 schedule with their client.

14 Q. Well, that is what you have been
15 telling us, but that is inconsistent with other
16 information such as what is in these e-mails.

17 MR. DUGGER: So object. The
18 document speaks for itself. The question
19 is compound, vague and harassing at this
20 point.

21 Ask her a question about the
22 conversation or ask her -- the document
23 says what it says.

24 Q. When did Athena tell you that you
25 were not a full-time employee for QVC?

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job when you come back.

But I had requested the vacation time, and I had basically almost given up that I was going to get paid at all because after so many e-mails and so many phone calls, I still wasn't getting paid, and I handed in my voucher. Liz Pinto asked me specifically do not talk to QVC about you leaving them. I'm not allowed, you know, to talk to them.

And so she said she was going to tell them, and I had the voucher to sign, and I realized at that moment, when Athena said have a great vacation and we will see you when you come back, I realized that Liz had not told them anything. And I said to Athena, Athena, did Liz not tell you? And she said tell me what? That I'm not coming back.

And she was -- she knew nothing about it, and she got very upset, and I said to her, as much as I love to work -- have worked with you guys, I am not getting paid by my agency. So I can't continue to work with you guys.

And Jessica said, well, can't you

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2 work for us directly, and I said no, my
3 employer is MSA and you're their client, and I
4 unfortunately cannot do that. That was it.

5 Q. Liz said to you don't talk to QVC
6 about your leaving them. Is that what you just
7 said?

8 A. Yes, she did not want me to
9 communicate anything to them. She wanted to do
10 all the communication with them, and she didn't
11 tell them that she was sending them a
12 substitute model. I guess they found out about
13 that last minute.

14 Q. And tell us again, why were you
15 leaving QVC?

16 MR. DUGGER: Asked and answered.

17 A. Yeah, I already answered that.
18 Because my employer, MSA, wasn't paying me for
19 the work to go down and work for their client.
20 I wasn't getting paid from MSA to work for
21 their client. I don't work for free, although
22 you think -- basically that's what I did for
23 three months.

24 Q. Now, this was in -- this was when,
25 time frame?

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2 A. June.

3 Q. June of 2014?

4 A. Correct.

5 Q. Did you take a vacation at that
6 time?

7 A. Yes, I did, sir.

8 Q. Where did you go?

9 A. I went to Harbor Island.

10 Q. St. Martin?

11 A. Harbor Island is in -- no, it's not
12 St. Martin. It's in Bahamas. My friend took
13 me there.

14 Q. Have you taken any vacation time in
15 St. Martin?

16 A. Yes, I went with my friend, Leo, to
17 St. Martin.

18 Q. Approximately when was that?

19 A. That was -- oh, wait. It was
20 St. Martin I went to, not Harbor Island. I've
21 been to both places. I have been to Harbor
22 Island twice, St. Martin twice as well. The
23 first time 30 years ago. The second time was
24 in -- recently.

25 Q. From March of 2013 to June of 2014,

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2 were not available to work with them?

3 A. No, sir.

4 Q. During the period with MSA the
5 second time around, was there any time that you
6 were ill?

7 A. No, sir. I don't get sick.

8 Q. Like me.

9 MR. DUGGER: Until today because of
10 Evan.

11 Q. Hopefully it's not coming across the
12 table.

13 Is Remax the name of the real estate
14 company that you were working with?

15 A. Remax Villa Realtors is the name of
16 the real estate firm that I am associated with,
17 yes.

18 Q. Did you also, during the time you
19 were working at MSA, rent out an apartment to a
20 tenant?

21 A. That takes a long explanation. I
22 had a buyer that wanted to move into the Sugar
23 House before we -- the contract was in place.

24 Q. Which contract?

25 A. To buy the Sugar House.

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LinkedIn and social media and all that stuff.

And so she was the one who looked at LinkedIn. There are groups, and she belonged to all those groups, and so she found the job.

Q. What job?

A. The Caché job.

Q. The job for you?

A. Yes.

Q. And so you actually first came into contact with Caché as a result of an advertisement on LinkedIn?

A. Yes.

Q. Is it correct to say that you don't need an agency in order to work as a fit model?

A. I have never worked as a fit model without an agency because the agency finds you work, and they -- if there are any problems that occur, the agency will make sure that, you know, none of those things happen. And the most hardest thing of all is that they bill clients.

I don't know any models that are so-called, what do you call, freelancer, independent contractors. Terri Murray is the

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2 first model that I have ever met that actually
3 got the client, QVC, on her own, but she is
4 also older.

5 Q. You mean there is hope for me?

6 (Laughter.)

7 MR. DUGGER: You can always fit,
8 Evan. Your clients can teach you how.

9 Q. Did you show your MSA contract to
10 Caché?

11 MR. DUGGER: Objection, vague.

12 A. No. No.

13 Q. Did you have a discussion about the
14 MSA contract with Caché?

15 A. I was asked if I was under exclusive
16 contract with MSA, and I explained that I
17 believe that they have broken the contract. So
18 that's what I said.

19 Q. Did anyone at Caché ask to see the
20 contract?

21 A. No.

22 Q. At the time did you have any
23 knowledge as to whether MSA and Caché had
24 worked together previously?

25 A. No, sir.

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2 MR. SPELFOGEL: I have no other
3 questions.

4 FURTHER EXAMINATION

5 BY MR. DUGGER:

6 Q. Ms. Agerbrink, when you use the word
7 "with the paycheck," are you referring to
8 literally attached to your paycheck when you
9 receive it?

10 A. I think it was stapled -- I think it
11 was stapled to the paystub.

12 Q. So your recollection is that you
13 would receive your check and paystub?

14 A. Right.

15 Q. And that stapled to that would be an
16 additional document?

17 A. Right.

18 MR. SPELFOGEL: Or documents she
19 said.

20 Q. Or documents?

21 A. Right.

22 Q. So typically when you received a
23 paystub, was there what's called a model
24 statement stapled to it?

25 A. Yes.

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